THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 11580 of 2007

Dated: 07.06.2007

Between:

P.Z. Hussain, S/o Shalimiah,
aged 37 years, Occ: Driver, E.No.426011,
R/o D.No.9/43, Pinjari Street, Kurnool.

.... PETITIONER

AND

The Vice Chairman and Managing Director,
A.P.S.R.T.C., Musheerabad, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 11580 of 2007

Order:

The petitioner was appointed as a Driver in the respondents-Corporation on 01.08.1999. While working as such, during periodic medical examination, the Medical Officer, APSRTC Dispensary, Tarnaka, Hyderabad, declared the petitioner medically unfit to hold the post of A-1 Driver due to defective eye vision, vide his letter, dated 13.03.2007. Based on the said letter, the 2nd respondent issued proceedings dated 12.04.2007 retiring the petitioner from service on medical grounds with effect from 12.04.2007. Thereafter, the petitioner made a representation dated 23.04.2007, under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, requesting the 3rd respondent, namely the Regional Manager, to provide alternative employment, but till date, no orders thereon have been passed. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC. Both the counsel agreed for disposal of the writ petition with a direction to the 3rd respondent to consider and dispose of the representation of the petitioner, dated 23.04.2007.

Since the representation dated 23.04.2007, said to have been made by the petitioner under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 requesting to provide alternative employment, is pending consideration before the 3rd respondent,

and in view of the agreed stand taken by both the counsel, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions.

The 3rd respondent, namely the Regional Manager, APSRTC, Kurnool Region, Kurnool, is directed to consider the representation of the petitioner, dated 23.04.2007, for providing alternative employment in view of his medical unfitness in the light of the provisions under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and pass appropriate orders thereon, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 07.06.2007
Nsr